

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 2, 2014

Elisabeth A. Shumaker  
Clerk of Court

In re:

BRYAN KRUMM, Reverend,  
  
Petitioner.

No. 14-2080  
(D.C. No. 1:13-CV-00562-RB-SMV)  
(D. N.M.)

ORDER

Before **KELLY, LUCERO**, and **MATHESON**, Circuit Judges.

Mr. Krumm filed a petition for a writ of mandamus asking this court to order the Drug Enforcement Agency (DEA) to respond to his petition to remove cannabis from the list of Schedule I drugs. We ordered the DEA to respond to the mandamus petition, and it did so.

“[A] writ of mandamus is a drastic remedy, and is to be invoked only in extraordinary circumstances.” *In re Cooper & Tire Rubber Co.*, 568 F.3d 1180, 1186 (10th Cir. 2009) (internal quotation marks omitted). In order to be entitled to a writ of mandamus, three conditions must be met:

First, because a writ is not a substitute for an appeal, the party seeking issuance of the writ must have no other adequate means to attain the relief he desires. Second, the petitioner must demonstrate that his right to the writ is clear and indisputable. Finally, the issuing court, in the exercise of its discretion, must be satisfied that the writ is appropriate under the circumstances.

*Id.* at 1187 (internal citations and quotation marks omitted).

After considering the petition and the response, we conclude that Mr. Krumm has failed to demonstrate that his right to the writ is clear and indisputable. Accordingly, we deny the petition.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written in black ink on a light blue dotted background.

ELISABETH A. SHUMAKER, Clerk